



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|   |             |                      |                                |                  |
|---|-------------|----------------------|--------------------------------|------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
| 10/696,252  | 10/29/2003  | Jani Mallila         | 872.0169.U1(US)                | 7021             |
| 29683 7590 02/04/2008<br>HARRINGTON & SMITH, PC<br>4 RESEARCH DRIVE<br>SHELTON, CT 06484-6212 |             |                      | EXAMINER<br>SINGH, RAMNANDAN P |                  |
|   |             |                      | ART UNIT                       | PAPER NUMBER     |
|   |             |                      | 2614                           |                  |
|   |             |                      | MAIL DATE                      | DELIVERY MODE    |
|   |             |                      | 02/04/2008                     | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|  |                 |               |  |
|--|-----------------|---------------|--|
| <div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> <p style="text-align: center;"><b>Office Action Summary</b></p> | Application No. | Applicant(s)  |  |
|  | 10/696,252      | MALLILA, JANI |  |
|  | Examiner        | Art Unit      |  |
|  | Ramnandan Singh | 2614          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>Jan 26, 2004; Jul 13, 2006; Jun 15, 2007</u> .                | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites "a packet network, comprising:" in line 1, and "signal, further comprising" in line 5. Thus, claim 9 includes two transitional phrases: "comprising". There must be only one transitional phrase to clearly show transitioning from a preamble to a limitation. It is unclear which part of the claim is a preamble and which part is a limitation. Claims 10-16 being dependent from claim 9 are also rejected.

The term "substantially" in claim 1 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably

apprised of the scope of the invention. A similar thing holds for claims 2, 9-10, 17-18, 28-28 and 32-33. Claims 3-8 being dependent from claim 1, claims 19-27 being dependent from claim 17, claims 30-31 being dependent from claim 28 and claims 34-35 being dependent from claim 32 are also rejected.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8-10, 16-18, 25-29 and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Li [US 6,549,587 B1].

Regarding claim 9, Li discloses a Voice over IP capable device that is coupled to a packet network, comprising:

a receiver (630) for receiving and buffering data packets that comprise voice information [Figs. 5-6, 24-28; col. 65, line 4 to col. 66, line 59];

a decoder (96) for decoding the voice information to obtain voice samples [Fig. 6; col. 12, line 47 to col. 13, line 24]; and

a buffer (87 or 510) for buffering the decoded voice samples [Figs. 10, 24] prior to generating a voice play-out signal using a time scaling function interposed between said decoder and said buffer for time scaling decoded voice samples as a function of packet network conditions to adjust a Buffering Delay to enable changing the voice play-out rate to provide a substantially continuous output voice signal when the data packets are received at a rate that differs from a rate at which the data packets are created [ Figs. 5-6, 10, 13, 28-34; col. 25, line 30 to col. 26, line 16; col. 29, lines 47-65; col. 72, line 29 to col. 73, line 57; col. 12, lines 63 to col. 13, line 24].

Claims 1, 28 and 32 are essentially similar to claim 9 and are rejected for the reasons stated above.

Claim 17 is also essentially similar to claim 9 except for a computer readable medium having a computer program stored therein. Li discloses using computer readable media embodying a program of instructions executable by a computer [col. 3, lines 15-37; claims 9-10].

Regarding claims 8 and 16, see Li [col. 31, line 36 to col. 32, line 60].

Regarding claims 25-27, Li discloses receivers for wireless links, wired links, and packet-switched networks [Fig. 1; col. 6, lines 30-61].

Regarding claims 10, 18, 29, 33, the limitations are shown above.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, 11-15, 19-24, 30-31, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li as applied to claims 1 and 9 above, and further in view of Fujii et al [US 20020067744 A1].

Regarding claim 3, Li does not teach expressly the method , wherein the Buffering Delay of a packet buffer is a time period that a packet resides in the packet buffer before play-out of the first frame of the packet.

Fujii et al teach a method and apparatus where the Buffering Delay of a packet buffer is a time period or time-ordered that a packet resides in the packet buffer before play-out of the first frame of the packet [ Figs. 1-2, 16; Para: 0016; 0063; claims 1, 7, 13; Figs. 8, 17-18, 20, 25; Para: 0007; 0010-0024; 0051-0068].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Fujii et al with Le in order to synchronize audio frames with video frames in time while combining audio and video signals for presentation [Fujii et al; Para: 0005].

Claim 11 is essentially similar to claim 3 and is rejected for the reasons stated above.

Regarding claims 4-7, 12-15, 19-24, 30-31, 34-35, see Fujii et al [Fig. 18; Para: 0054-0064; 0068].


### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ramnandan Singh  
Primary Examiner  
Art Unit 2614